



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2656**

Introduced 1/20/2006, by Sen. Don Harmon

**SYNOPSIS AS INTRODUCED:**

60 ILCS 1/85-60 new

Amends the Township Code. Provides that a township may prescribe rules and regulations, including a property maintenance code, to govern the maintenance of all property, buildings, and structures within the township but outside the territory of any municipality. Also provides that a township may establish a code hearing unit to enforce this Section. Contains other provisions. Effective immediately.

LRB094 16857 HLH 52136 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Township Code is amended by adding Section  
5 85-60 as follows:

6 (60 ILCS 1/85-60 new)

7 Sec. 85-60. Property maintenance code.

8 (a) A township may prescribe by ordinance reasonable rules  
9 and regulations, including a property maintenance code, to  
10 govern the maintenance of all property, buildings, and  
11 structures within the township but outside the territory of any  
12 municipality, to ensure that property, buildings, and  
13 structures are kept in a clean, safe, and sanitary condition  
14 and to correct defects or deterioration in building components  
15 and surface improvements. A township is authorized to exercise  
16 this power concurrently with a county, provided that the  
17 township's rules or regulations may not be less restrictive  
18 than the rules or regulations adopted by the county in which  
19 the township is located.

20 (b) A township may adopt by reference any published  
21 compilation of rules and regulations for the maintenance of  
22 property, buildings, and structures in a safe, clean, and  
23 sanitary condition prepared by a nationally recognized  
24 technical trade or service association in order to eliminate  
25 defects in buildings, structures, and surface improvements  
26 that are detrimental to the public health, safety, morals, and  
27 welfare. A township may adopt by reference all or part of the  
28 provisions of those rules and regulations, without setting  
29 forth the provisions in full, if at least one copy of those  
30 rules and regulations is filed with the clerk of the township  
31 not less than 30 days before the adoption of the resolution or  
32 ordinance that incorporates the rules and regulations by

1 reference. Any amendment that may be made to any rules and  
2 regulations adopted by reference by a township under this Act  
3 may likewise be adopted by reference provided that the required  
4 number of amended or corrected copies are filed with the clerk  
5 of the township for inspection, use, and examination by the  
6 public for a period of at least 30 days before the adoption of  
7 such amendment by reference.

8 (c) The corporate authorities of any township that adopts a  
9 property maintenance code may also establish a Code Hearing  
10 Unit to expedite the prosecution and correction of property  
11 code violations in the manner set forth in this Section. The  
12 establishment of a Code Hearing Unit under this Section shall  
13 not preclude the township from using other methods to enforce  
14 the provisions of its property maintenance code.

15 (d) When a township enforcement officer observes or  
16 otherwise discovers a property maintenance code violation, he  
17 or she shall record the violation on a violation notice and  
18 report form that indicates (i) the name and address of the  
19 respondent property owner, if known, (ii) the type and nature  
20 of the violation, (iii) the date and time the violation was  
21 observed, (iv) the address of the location or property where  
22 the violation was observed, and (v) the names of any witnesses  
23 to the violation. The violation notice and report form shall be  
24 forwarded to the Code Hearing Department where a docket number  
25 shall be stamped on all copies of the report and a hearing date  
26 shall be noted in the blank spaces provided for that purpose on  
27 the form. The hearing date shall not be less than 21 nor more  
28 than 60 days after the violation is reported. The violation  
29 notice and report form shall state that failure to appear at  
30 the hearing on the date indicated may result in a determination  
31 of liability for the cited violation, the imposition of fines,  
32 assessment of costs as provided by the township property  
33 maintenance code, and an order requiring that the violation be  
34 corrected. A copy of the violation notice and report form shall  
35 be served upon the respondent property owner either personally  
36 or by first class mail, postage prepaid, sent to the address of

1 the respondent. If the name or address of the respondent  
2 property owner cannot be ascertained, or if service on the  
3 respondent property owner cannot be made by mail, service may  
4 be made on the respondent property owner by posting one copy of  
5 the violation notice and report form on the front door of the  
6 structure where the violation is found not less than 14 days  
7 before the hearing is scheduled, and by mailing one copy of the  
8 violation notice and report form not less than 14 days before  
9 the hearing is scheduled to the person identified as the  
10 taxpayer of record for the property at the address listed for  
11 that person in the county collector's books for the last year  
12 in which taxes were paid.

13 (e) If on the date set for hearing the respondent property  
14 owner or his attorney fails to appear, the hearing officer may  
15 find the respondent in default and shall proceed with the  
16 hearing and accept evidence relevant to the existence of a  
17 property maintenance code violation. The case for the township  
18 may be presented by the township enforcement officer, by any  
19 other township employee, or by an attorney designated by the  
20 township. The case for the property owner may be presented by  
21 the property owner or by his or her attorney. A hearing officer  
22 shall hear testimony and accept any evidence relevant to the  
23 existence or non-existence of a property maintenance code  
24 violation. The strict rules of evidence applicable to judicial  
25 proceedings shall not apply to hearing authorized by this  
26 Section. No continuances may be authorized by the hearing  
27 officer in proceedings under this Section except in cases where  
28 a continuance is absolutely necessary to protect the rights of  
29 the respondent property owner. Lack of preparation shall not be  
30 grounds for a continuance. Any continuance authorized by a  
31 hearing officer under this Section shall not exceed 40 days.

32 (f) At the conclusion of the hearing the hearing officer  
33 shall make a determination on the basis of the evidence  
34 presented at the hearing as to whether or not a property  
35 maintenance code violation exists. The determination shall be  
36 in writing and shall contain findings, decision, and order. The

1 findings, decision, and order shall include the hearing  
2 officer's findings of fact, a decision on whether or not a code  
3 violation exists based upon the findings of fact, and an order,  
4 ordering the owner to correct the violation or dismissing the  
5 case if a violation is not proved. If a code violation is  
6 proved, the order may also impose the sanctions that are  
7 provided for the violation in the township property maintenance  
8 code. A monetary sanction or fine for a property maintenance  
9 code violation under this Section shall not exceed \$750. A copy  
10 of the findings, determination, and order must be served on the  
11 respondent property owner within 7 days after it is issued.  
12 Service shall be in the same manner as the violation notice and  
13 report form are served. Payment of any sanction or fine and the  
14 disposition of fine money shall be in the manner set forth in  
15 the code, unless the corporate authorities of the township  
16 provide otherwise.

17 (g) The findings, decision, and order of the hearing  
18 officer are subject to review in the circuit court of the  
19 county where the township is located. The provisions of the  
20 Administrative Review Law and the rules adopted pursuant  
21 thereto shall apply to and govern every action for the judicial  
22 review of the findings, decision, and order of a hearing  
23 officer under this Section.

24 (h) Any fine, sanction, or cost imposed, or a part of any  
25 fine, sanction, or cost imposed that remains unpaid after  
26 judicial review procedures under the Administrative Review Law  
27 are exhausted shall be a debt due and owing to the township and  
28 may be collected in accordance with applicable law. The order  
29 to correct a property maintenance code violation and the fine,  
30 sanction, or cost imposed by a township as the result of a  
31 finding of a code violation under this Section shall attach to  
32 the property as a lien on the real estate, as well as apply to  
33 the owner of the property. The township shall file a notice of  
34 lien in the office of the recorder in the county in which the  
35 real estate is located. Any subsequent transferee or owner of  
36 property takes title subject to the lien and to the findings,

1 decision, and order of the hearing officer under this Section  
2 if a notice consisting of a copy of the order to correct a code  
3 violation and imposing any sanctions, fines, or costs, and a  
4 description of the real estate affected sufficient for the  
5 identification of the real estate, has been filed in the office  
6 of the recorder in the county in which the real estate is  
7 located prior to the transfer or conveyance of the property to  
8 the subsequent transferee or owner.

9 (i) After expiration of the period within which judicial  
10 review under the Administrative Review Law may be sought for a  
11 final determination of the code violation, the township may  
12 commence a proceeding in the circuit court of the county where  
13 the township is located for a judgment on the findings,  
14 decision, and order. Upon commencement of the action, the  
15 township shall file a certified copy of the findings, decision,  
16 and order, which shall be accompanied by a certification that  
17 recites facts sufficient to show that the findings, decision,  
18 and order was issued in accordance with this Section and the  
19 applicable township ordinance. Service of the summons and a  
20 copy of the petition may be by any method provided by Section  
21 2-203 of the Code of Civil Procedure or by certified mail,  
22 return receipt requested, provided that the total amount of  
23 finances, sanctions, and costs imposed by the findings, decision  
24 and order does not exceed \$2,500. If the court is satisfied  
25 that the findings, decision, and order were entered in  
26 accordance with the requirements of this Section and the  
27 applicable township ordinance, and that the property owner had  
28 an opportunity for a hearing under this Section and for  
29 judicial review as provided in this Section: (1) the court  
30 shall render judgment in favor of the township and against the  
31 property owner for the amount indicated in the findings,  
32 decision, and order, plus costs; and (2) the court may also  
33 issue such other orders and injunctions as are requested by the  
34 township to enforce the order of the hearing officer.

35 Section 99. Effective date. This Act takes effect upon

1 becoming law.